

90/004457



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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Washington, D.C. 20231

CONTROL NUMBER: FILING DATE: 9/6 4949 PATENT UNDER REEXAMINATION ATTORNEY/CORRESPONDENT NO.

TALIVALDIS CEPURITIS
OLSON & HIERL, LTD
20 N. WACKER DR., 36TH FLR
CHICAGO IL 60606

RECEIVED
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OCT - 3 1997

OLSON & HIERL, LTD.

EXAMINER
HINDENBURG, M

ART UNIT
3301

PAPER NUMBER

DATE MAILED:

09/30/97

NOTICE OF INTENT TO ISSUE REEXAMINATION CERTIFICATE

1. ☒ Examination has been terminated in this reexam proceeding and a Certificate will be issued in due course in view of:

- a. ☒ Patent owner's communication filed on: July 23, 1997
- b. ☐ Patent owner's late response filed on: _____
- c. ☐ Patent owner's failure to file an appropriate response to the Office action dated: _____
- d. ☐ Patent owner's failure to timely file an Appeal Brief. 37 C.F.R. 1.192.
- e. ☐ Other: _____

The Reexamination Certificate will indicate the following:

f. Change in the Specification: ☐ Yes, ☒ No

g. Change in the Drawings: ☐ Yes, ☒ No

h. Status of the Claims:

- (1) Patent claim(s) confirmed: _____
- (2) Patent claim(s) amended: 1-20
- (3) Patent claim(s) cancelled: _____
- (4) New claim(s) patentable: _____

2. ☒ Note attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submissions should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation."

3. ☐ Note attached NOTICE OF REFERENCES CITED, PTO - 892, which is a part of this communication. The listed references are considered pertinent to the claimed invention, but the claims are deemed to be patentable thereover.

4. ☒ Note attached LIST OF REFERENCES CITED, PTO - 1449, which is part of this communication and serves as an acknowledgment of receipt of patent owner's prior art statement. The references which were considered have been initialed on the form by the examiner and the claims are deemed patentable thereover.

5. ☐ The drawing correction request filed on _____: ☐ is, ☐ is not, approved.

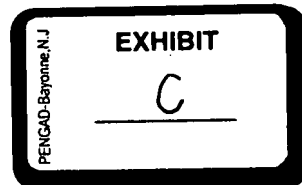
6. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has: ☐ been received, ☐ not been received, ☐ been filed in Serial No. _____ filed on _____

7. ☐ Note Examiner's Amendment (attachment).

8. ☐ Other (attachment).

cc: Requester

PTOL-469 (2-90)



Art Unit: 3301

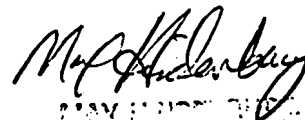
1. The following is an examiner's statement of reasons for allowance: claims 1-20 are allowable over the art of record as argued by applicant in the response of July 23, 1997 in that the prior art previously applied to the claims do not teach such an apparatus for effecting necrosis of human uterine endometrium comprising a catheter for insertion into the human uterus via the cervical canal, a distendable bladder projecting axially beyond the proximal end of the catheter when distended and for contacting substantially all of the endometrium, inflating means, heating means and control means.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Max Hindenburg whose telephone number is (703) 308-3130. The SPE is Bob Hafer whose telephone number is (703)308-0858. Group 3300's FAX number is (703)305-3590.

MH

September 17, 1997



MAX HINDENBURG

(Rev. 5/92) Compatible to Form PTO-1449	MAIL ROOM JUL 23 1997 PAT. & TRADEMARK OFFICE	U.S. Department of Commerce Patent and Trademark Office	Reexamination No. 90/004,457 Filed: November 12, 1996	U.S. Patent No.: 4,949,718 Issued: August 21, 1990			
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)		Patentees: Robert S. Neuwirth and Lee R. Bolduc		Group: 3301			
U.S. PATENT DOCUMENTS							
*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
FOREIGN PATENT DOCUMENTS							
MMA		63-43661 <i>Japanese</i>	02/24/88	Saito (with certified English translation)	A01 F 742	—	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
Examiner	<i>Hickman</i>			Date Considered	9/6/97		
*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							